

BOARDS AND COMMISSIONS
Board of Barbering
(Amendment)

201 KAR 14:115. Examinations; school and board.

RELATES TO: KRS 317.410, 317.440

STATUTORY AUTHORITY: KRS 317.440

NECESSITY, FUNCTION, AND CONFORMITY: KRS 317.440(1)(e) requires the board to promulgate an administrative regulation to establish examination requirements. This administrative regulation establishes examination applications, deadlines, and sets forth scores for passing.

Section 1. (1)(a) The requirements in this administrative regulation shall apply to all examinations given by the board, unless stated otherwise.

(b) An apprentice [~~A probationary~~] license shall be required to take the barber's examination.

(c) A barber's license shall be required to take the instructor's examination.

(2) A student from a barber school shall not take any of the board's examinations:

(a) Without proof of a high school diploma, transcript, or GED certificate; and

(b) Unless the application for examination has reached the board's headquarters at least seven (7) days prior to the date of the examination.

(3) An applicant for a board examination shall complete the appropriate application form, incorporated by reference in this administrative regulation.

(4) Deadline for applications is at noon (Eastern time) on the deadline date published by the board. Applications received after noon (Eastern time) shall not be scheduled until the following month.

Section 2. The board's examination shall be given only to students who:

(1) Have been notified to appear for the examination;

(2) Are wearing a clean, washable uniform; and

(3) Have instruments to be used in the giving of their demonstrations.

Section 3. The board's examination shall include:

(1) A written examination that covers all subjects set forth in the administrative regulations relating to barbers, 201 KAR Chapter 14; and

(2) A practical demonstration on a living model.

Section 4. An applicant shall pass each portion, practice and theory, of the apprentice [~~probationary~~] examination with a seventy-five (75) percent passing grade on the board's examination.

Section 5. An applicant for an instructor's license shall score a general average of eighty (80) percent on the board's examination.

Section 6. A student who works in a barber shop prior to passing the apprentice [~~probationary~~] examination given by the board shall not be allowed to take the apprentice [~~probationary~~] examination until first:

- (1) Paying a fine, as defined in KRS 317.590, in keeping with the seriousness of the violation and the facts of the case; and
- (2) Meeting all the requirements of KRS Chapter 317 and 201 KAR Chapter 14.

Section 7. The examination schedule shall be conspicuously displayed on a bulletin board provided by the school.

Section 8. Written and oral tests shall be given at intervals by a school to determine the status of the student.

Section 9. Incorporation by Reference. (1) The following material is incorporated by reference:

- (a) "~~Apprentice~~~~[Probationary]~~ Barber's Application for Examination," 10/18~~[6/13]~~;
- (b) "Barber's Application for Examination," 4/19~~[6/13]~~; and
- (c) "Instructor's Application for Examination," ~~[10/13]~~.

(2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Board of Barbering, 312 Whittington Pkwy. Suite 110~~[9114 Leesgate Road, Suite 6]~~, Louisville, Kentucky 40222, Monday through Friday, 8:00 a.m. to 4:30 p.m.

JASON CROCKETT, Chair

APPROVED BY AGENCY: November 8, 2021

FILED WITH LRC: November 15, 2021 at 11:00 a.m.

PUBLIC HEARING AND PUBLIC COMMENT PERIOD: A public hearing on this administrative regulation shall be held on January 24, 2022, at 9:00 a.m., at Kentucky Board of Barbering. Individuals interested in being heard at this hearing shall notify this agency in writing by five workdays prior to the hearing, of their intent to attend. If no notification of intent to attend the hearing was received by that date, the hearing may be cancelled. A transcript of the public hearing will not be made unless a written request for a transcript is made. If you do not wish to be heard at the public hearing, you may submit written comments on the proposed administrative regulation. Written comments shall be accepted through 11:59 p.m. on January 31, 2022. Send written notification of intent to be heard at the public hearing or written comments on the proposed administrative regulation to the contact person.

CONTACT PERSON: Christopher D. Hunt, General Counsel, 312 Whittington Pkwy Suite 110, Louisville, Kentucky 40222, phone +1 (502) 782-0778, fax +1 (502) 324-6192, email chrisd.hunt@ky.gov.

REGULATORY IMPACT ANALYSIS AND TIERING STATEMENT

Contact Person: Christopher D. Hunt

(1) Provide a brief summary of:

(a) What this administrative regulation does: This administrative regulation establishes examination applications, deadlines, and sets forth scores for passing.

(b) The necessity of this administrative regulation: This administrative regulation is necessary to satisfy statutory requirements that licensing guidelines be established. The regulation also ensures compliance with requirements for testing.

(c) How this administrative regulation conforms to the content of the authorizing statutes: KRS 317.440(1)(f) requires the Board of Barbering to promulgate administrative regulations pertaining to exam requirements.

(d) How this administrative regulation currently assists or will assist in the effective administration of the statutes: This administrative regulation provides a structure how, when, where and what requirements are to be met prior to testing.

(2) If this is an amendment to an existing administrative regulation, provide a brief summary of:

(a) How the amendment will change this existing administrative regulation: This amendment removes confusing language relating to industry licensure and provides continuity of terms, additionally forms are updated and deadlines are clearly stipulated. It also updates board office location.

(b) The necessity of the amendment to this administrative regulation: This amendment is necessary to remove language that conflicts industry standards and provides continuity of language with other administrative regulations. It clarifies forms, dates and locations required for testing.

(c) How the amendment conforms to the content of the authorizing statutes: This amendment conforms with the requirement of KRS 317.440(1)(f) requires the Board of Barbering to promulgate administrative regulations pertaining to exam requirements.

(d) How the amendment will assist in the effective administration of the statutes: This amendment will clarify language used and provide continuity throughout administrative regulations. With changes to the postal service it allows clear deadlines to comply with statutory requirements, specifically scheduling of testing.

(3) List the type and number of individuals, businesses, organizations, or state and local governments affected by this administrative regulation: This administrative regulation affects approximately 4,550 license holders, in the following categories: master barbers, apprentice barbers, student barbers, barber instructors, barber schools, and barber shops. This administrative regulation will also affect future license applicants.

(4) Provide an analysis of how the entities identified in the previous question will be impacted by either the implementation of this administrative regulation, if new, or by the change, if it is an amendment, including:

(a) List the actions each of the regulated entities have to take to comply with this regulation or amendment: No action will be required of current license holders. The requirement for obtaining a new license.

(b) In complying with this administrative regulation or amendment, how much will it cost each of the entities: There is no cost anticipated for compliance with the amended language.

(c) As a result of compliance, what benefits will accrue to the entities: License holders will benefit from a clearer, more concise description of their responsibilities when retaking exams for licensure.

(5) Provide an estimate of how much it will cost the administrative body to implement this administrative regulation:

(a) Initially: None.

(b) On a continuing basis: None.

(6) What is the source of the funding to be used for the implementation and enforcement of this administrative regulation: None – not applicable to this amendment.

(7) Provide an assessment of whether an increase in fees or funding will be necessary to implement this administrative regulation, if new, or by the change if it is an amendment: No increase in fees or funding will be necessary to implement this amendment.

(8) State whether or not this administrative regulation established any fees or directly or indirectly increased any fees: This administrative regulation does not establish any new fees, nor does it alter or increase existing fees.

(9) TIERING: Is tiering applied? Tiering was not appropriate in this administrative regulation because the administrative regulation applies equally to all those individuals or entities regulated by it.

FISCAL NOTE ON STATE OR LOCAL GOVERNMENT

(1) What units, parts or divisions of state or local government (including cities, counties, fire departments, or school districts) will be impacted by this administrative regulation? Kentucky Board of Barbering.

(2) Identify each state or federal statute or federal regulation that requires or authorizes the action taken by the administrative regulation. KRS 317.450(3); KRS 317.440.

(3) Estimate the effect of this administrative regulation on the expenditures and revenues of a state or local government agency (including cities, counties, fire departments, or school districts) for the first full year the administrative regulation is to be in effect. If specific dollar estimates cannot be determined, provide a brief narrative to explain the fiscal impact of the administrative regulation. The Board of Barbering is the only agency that would be directly impacted by this regulation. There are no expected impacts on expenditures or revenue, as the agency already employs inspectors, who determine compliance with all applicable regulations on their inspection visits. The only possible revenue would be from fines associated with failures to comply with the administrative regulation. This revenue would be variable and negligible.

(a) How much revenue will this administrative regulation generate for the state or local government (including cities, counties, fire departments, or school districts) for the first year? \$0-\$500.

(b) How much revenue will this administrative regulation generate for the state or local government (including cities, counties, fire departments, or school districts) for subsequent years? \$0-\$500.

(c) How much will it cost to administer this program for the first year? No additional costs are anticipated; any expenses are included with current expenditures for agency inspectors and staff.

(d) How much will it cost to administer this program for subsequent years? No additional costs are anticipated; any expenses are included with current expenditures for agency inspectors and staff.

Note: If specific dollar estimates cannot be determined, provide a brief narrative to explain the fiscal impact of the administrative regulation.

Revenues (+/-): NA

Expenditures (+/-): NA

Other Explanation: NA